

THE PCP'S ROLE IN CONFIRMING SENIOR APPOINTMENTS UNDER SCHEDULE 1 OF THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER

Senior appointments under Schedule 1 of the Act are those of Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner made by the Police and Crime Commissioner (PCC). It is the duty of the Police and Crime Panel to hold a public Confirmation Hearing and to review, make reports and recommendations in respect of proposed senior appointments and to publish their reports or recommendations. There is a separate process under Schedule 8 to be followed for the appointment of Chief Constables, which is not covered in this note.

The Rules relating to Confirmation Hearings under Schedule 1

- The PCC must notify the Panel of the proposed senior appointment;
- The Hearing must take place in public, within a period of three weeks of the receipt of formal notification being received from the PCC;
- The candidate may be requested to appear for the purpose of answering questions relating to the appointment (the LGA guidance makes it very clear that this should be the usual practice);
- The Panel shall review the proposed senior appointment and make a report to the PCC, including a recommendation relating to the candidate's appointment; and
- The PCC must respond to the report and recommendations of the Panel to confirm whether they accept or reject its recommendation. There is no duty upon the PCC to give reasons for their decision.

The Rules relating to the PCC's appointment of Deputy Police and Crime Commissioners

The Commissioner cannot appoint someone as a Deputy Police and Crime Commissioner if they fall into any of the following criteria:

- a person who has not attained the age of 18 on the day of the appointment;
- a person who is subject to a relevant disqualification;
- a member of the House of Commons;
- a member of the European Parliament;
- a member of the National Assembly for Wales;
- a member of the Scottish Parliament;
- a member of the Northern Ireland Assembly.

The Procedure for Confirmation Hearings under Schedule 1

1. Notification of Proposed Senior Appointment

The PCC will notify the Panel of a proposed senior appointment in writing to the Chairman of the Panel and to the Clerk to the Panel. The notification of a proposed senior appointment from the PCC should be accompanied by background information such as a CV or a personal statement to assist the Panel in its assessment of the candidate. At the very least, and in accordance with legislation, the PCC is required to provide the following information:

- The name and contact details of the candidate;
- The criteria used to assess the suitability of the candidate for the appointment and how the candidate satisfies these criteria; and
- The terms and conditions on which the candidate is to be appointed.

2. Arrangement of Confirmation Hearing and Notifying the Candidate

Following the receipt of notification from the PCC a Confirmation Hearing is arranged, which will take place within three weeks of the date of receipt of notification from the PCC. The Chairman of the Panel or the Clerk will write to the candidate to confirm the date of the Hearing and notify them of the process to be followed. The letter will set out the legislative provisions underpinning the Hearing and inform the candidate that any information they provide will be heard in the public domain.

If the candidate's references are to be distributed to the Panel it is the responsibility of the PCC to inform relevant referees of the placing of references in the public domain.

3. Pre-Meeting

The Panel will normally organise a pre-meeting prior to a Confirmation Hearing to allow for a consideration of the background information provided by the PCC. The pre-meeting is intended to provide members of the Panel with an opportunity to consider and agree the scope and thrust of their questioning at the Hearing. As referred to in the LGA Guidance document on Confirmation Hearings, questioning will concern primarily the “**professional competence**” of the candidate and their “**personal independence**”^{*}.

** Personal independence is defined in the LGA Guidance as a candidate's ability to act in a manner that is operationally independent of the PCC.*

The pre-meeting will be held in private and, where possible, will be attended by the Clerk or a legal adviser and, if possible, a senior HR adviser from the host authority to assist the Panel in the provision of specialist and technical advice and the devising a list of appropriate questions, if there is any. Additional information relating to the candidate, not provided by the PCC but available elsewhere, should be considered by the Clerk and the HR adviser to ensure that the process is fair and that it will help the Panel assess professional competence and personal independence.

4. The Hearing

With preparation and planning at the pre-meeting, Confirmation Hearings should be short and focused. The Hearing will be a four stage process:

	PRESENT:		
	PANEL	PCC	CANDIDATE
Stage 1: Chairman outlines the process to be followed and the powers of the Panel.	✓	✓	✓
Stage 2: Brief introduction by the PCC explaining why the candidate meets the job description, the criteria he/she meets for the post and the terms and conditions for the post.	✓	✓	✓
Stage 3: Panel to question the candidate to determine if he/she meets the criteria set out in the job description and whether they possess the necessary professional competence and personal independence to carry out the role. <i>Candidates may make a presentation at the start of this stage of the process if they wish.</i>	✓	x	✓
PANEL GOES INTO CLOSED SESSION			
Stage 4: Panel will make its decision and prepare any recommendations to the PCC.	✓	x	x

5. Coming to a View

The Panel has three principal options, as follows:

1. If the Panel is content with the proposed senior appointment, it can agree to report its endorsement to the PCC.
2. Where a candidate meets the standards, but the Panel has concerns about their suitability, such concerns can form part of the Panel's report and recommendations to the PCC.
3. In the event that the Panel determines that a candidate does not meet the requirements for the post, the Panel may provide advice and recommendations accordingly to the PCC in

its report.

NB. The PCC is under no obligation to follow the Panel's advice and the Panel's recommendation not to appoint does not represent a veto in the case of Schedule 1 appointments. It is noted in the LGA Guidance that a recommendation to reject the proposed appointment should be used in only "exceptional" circumstances.

The Panel has to reach a conclusion in relation to the options set out above. It may also choose to comment on other relevant issues.

6. Reporting the Panel's Recommendation

The Chairman of the Panel will write to the PCC on the next working day, following the Confirmation Hearing, to outline the decision and recommendations of the Panel. The candidate will also be sent a copy of the letter.

The Panel will wait five working days before it publishes any information about its recommendations unless it is agreed with the PCC that this information can be released at an earlier stage. The Panel will ensure that the PCC has received and acknowledged receipt of the Panel's recommendations before making its recommendations public.

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